

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

HARRY A. HIEKE, JR., D.P.M.,
Defendant-Appellee,

and

FAMILY FOOT SPECIALISTS, LTD,
Defendant,

v.

CREDIT RECOVERY SYSTEMS, LTD.,
COMPANY,
Movant-Appellant.

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No. 00-1511

Appeal from the United States District Court
for the Eastern District of Virginia, at Newport News.
Robert G. Doumar, Senior District Judge.
(CA-99-55-4)

Submitted: September 29, 2000

Decided: October 19, 2000

Before WIDENER and TRAXLER, Circuit Judges, and
HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

COUNSEL

Joshua Michael David, DAVID, KAMP & FRANK, Newport News, Virginia, for Appellant. Craig Paul Wittman, OFFICE OF THE UNITED STATES ATTORNEY, Norfolk, Virginia; Harry A. Hieke, Jr., Chesapeake, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION**PER CURIAM:**

Credit Recovery Systems (CRS) appeals from the district court's order denying its Fed. R. Civ. P. 24(a)(2) motion to intervene as a matter of right and accepting the parties' settlement agreement. We have reviewed the record and find that Credit Recovery Systems had a "significantly protectable interest" in the subject matter of the action. *See* Fed. R. Civ. P. 24(a)(2); *Teague v. Bakker*, 931 F.2d 259, 260-61 (4th Cir. 1991). However, we further find the district court did not abuse its discretion in denying CRS's motion to intervene because CRS provided no basis upon which to find that Dr. Hieke's forbearance of his Medicaid and Medicare claims would bind CRS or impede its ability to pursue these claims in a separate action. *See id.*; *cf. Spring Constr. Co. v. Harris*, 614 F.2d 374, 377 (4th Cir. 1980).

Accordingly, we affirm the district court's order. We deny the Government's motion to strike certain documents that were filed by CRS. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

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